

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MYRON G. BRANDON,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS OF
WASHINGTON et al.,

Defendants.

CASE NO. 3:22-cv-05284-LK

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO FILE AMENDED
COMPLAINT

This matter comes before the Court on pro se Plaintiff Myron G. Brandon's Motion for Extension of Time to File Motion for Leave to Amend Complaint Pursuant to Rule 15. Dkt. No. 49. For the reasons discussed below, Mr. Brandon's motion is granted.

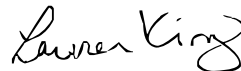
On September 18, 2023, the Court adopted in part the Report and Recommendation of United States Magistrate Judge David W. Christel and granted in part Defendants' Motion to Dismiss Under Federal Rule of Civil Procedure 12(c). Dkt. No. 48. The Court granted Mr. Brandon 30 days to file a second amended complaint curing the identified deficiencies. *Id.* at 10. The Court cautioned him, however, that his failure to file an amended pleading within 30 days would be

1 treated as an indication of the futility of further amendment and would result in the dismissal of
2 this action with prejudice. *Id.* at 10–11.

3 On October 18, 2023, 30 days after the Court issued its order, Mr. Brandon moved for an
4 additional “15–30 day[] extension to . . . properly address the portion allotted by this Court to
5 amend in part.” Dkt. No. 49 at 2; *see also id.* at 1 (noting that he did not receive the Court’s
6 September 18 Order until September 20, 2023). Although Mr. Brandon did not comply with the
7 requirement that “[a] motion for relief from a deadline should, whenever possible, be filed
8 sufficiently in advance of the deadline to allow the court to rule on the motion prior to the
9 deadline,” LCR 7(j), the Court considers Defendant’s failure to respond to be an admission that
10 the motion has merit, *see* LCR 7(b)(2).

11 Accordingly, the Court grants Mr. Brandon’s motion, Dkt. No. 49, and will permit him to
12 file a second amended complaint that is consistent with the scope of the leave to amend granted in
13 the Court’s September 18 Order, *see* Dkt. No. 48 at 10, by no later than November 13, 2023.¹ Mr.
14 Brandon’s timely-filed amended pleading will become the operative pleading in this matter; he
15 need not file a separate motion for leave to amend his complaint pursuant to Federal Rule of Civil
16 Procedure 15. If Mr. Brandon fails to timely comply with this Order, the Court will treat that failure
17 as an indication that further amendment would be futile and will dismiss this action with prejudice.
18 The Clerk is directed to send a copy of this Order to Mr. Brandon.

19 Dated this 26th day of October, 2023.

20 

21 Lauren King
22 United States District Judge
23

24 ¹ This constitutes a 57-day extension. Mr. Brandon is cautioned that he must abide by deadlines in the future.